

REMARKS

Claims 1-15 are pending. By this Amendment, claims 1 and 12 are amended.

Entry of the Amendment is proper under 37 CFR §1.116 since the Amendment: (a) places the application in condition for allowance for the reasons discussed herein; (b) does not raise any new issues requiring further search and/or consideration; (c) does not add any additional claims; and (d) places the application in better form for appeal, should an appeal be necessary.

As discussed during the personal interview, the current Office Action should not be final because the Examiner introduced a new ground of rejection that is neither necessitated by Applicants' amendment of the claims nor based on information submitted in an Information Disclosure Statement. See MPEP 706.07(a). In particular, the Examiner introduced a new ground of rejection, the rejection under 35 U.S.C. §112, first paragraph. Although Applicants' amended the claims in the April 28, 2006 Amendment, those amendments did not necessitate the new rejection under 35 U.S.C. §112, first paragraph. Furthermore, during the personal interview, the Examiner could not explain how the amendments presented in the April 28, 2006 Amendment necessitated all of the grounds for rejection under 35 U.S.C. §112, first paragraph.

It is requested that the final status be withdrawn and the amendments to claims 1 and 12 be entered because they are in reply to the new rejection under 35 U.S.C. §112, first paragraph.

Applicants appreciate the courtesies extended by Examiner Mancho to Applicants' representative during the January 23, 2006 personal interview. The personal interview is summarized below and thus constitutes Applicants' record of the interview.

Claims 1-11 (and assumingly claims 12-15) were rejected under 35 U.S.C. §112, first paragraph. Claims 1 and 12 have been amended to address some of the issues presented in the rejection.

As agreed during the personal interview, amended claims 1 and 12 satisfy the enablement requirement. The claims (in particular the controllers) are clear in view of Applicants' Figs. 3A and 3B, for example, and the corresponding description in the specification for the drawings, and the claims are understood by one skilled in the art. As understood during the personal interview, (1) the braking force on the rear wheels is lowered in comparison with the braking force on the front wheels (Fig. 3), (2) the braking force on the front wheels is increased during execution of the braking force distribution control, but decreased when anti-skid control is executed (page 22, line 7-page 23, line 13), and (3) either of the wheels refers to any wheel. It is respectfully requested that the rejection be withdrawn.

Claims 1-15 were rejected under 35 U.S.C. §102(b) over Banno et al. (Banno), U.S. Publication No. 2002/0024252. The rejection is respectfully traversed.

As discussed during the personal interview, Banno fails to disclose the controller that is structured as recited in claims 1 and 12. How the controller is structured (i.e., operates) must be given patentable weight and Banno must be reviewed to determine if Banno's controller is structured (i.e., operates) in accordance with features recited in claim 1 and 12. The fact that Banno discloses a controller does not mean that Banno's controller has the same structure as the controllers of claims 1 and 12. In addition, the claim language used for the controllers in claims 1 and 12 is an acceptable way of defining how the controller is structured.

In view of discussion for the rejection of claims 1-15 under 35 U.S.C. §112, first paragraph, and as discussed during the personal interview, Applicants request reconsideration of the arguments presented in the April 28, 2006 Amendment.

As previously argued, Banno fails to disclose a device for controlling a braking of a vehicle having front and rear wheels, wherein a braking force on the front wheels during execution of a braking force distribution control is increased, where a braking force increment on the front wheel is determined based upon an increment of the braking action by the driver detected by the detector, as recited in claim 1.

Banno discloses a front-rear braking force distribution control system that controls the braking force applied to the rear wheels in accordance with a predetermined relationship with a braking force supplied to the front wheels to perform a front-rear braking force distribution control (paragraph [0010]). Banno's invention is directed to determining when to begin the front-rear braking force distribution control (paragraphs [0027] - [0032]). When the front-rear braking force distribution control begins at time t_a (Fig 4), the wheel cylinder pressure for the rear wheel is limited to a certain value (paragraph [0033]).

Banno also briefly discloses that the faster the vehicle runs, the earlier the front-rear braking force distribution control begins, so that the greater braking force is applied to the front wheels (paragraph [0031]). Banno thus fails to provide any disclosure with regard to increasing a braking force on the front wheels during execution of a braking force distribution control, where a braking force increment on the front wheel is determined based upon an increment of the braking action by the driver, as recited in claim 1.

Banno also fails to disclose a device for controlling a braking of a vehicle having front and rear wheels, (1) wherein when anti-skid control for either of the wheels is executed, the braking force increment on the front wheel is decreased, as recited in claim 1, or (2) wherein a braking force on the front wheels is decreased when anti-skid control for either of the wheels is executed or when an operational condition monitored by a sensor satisfies a predetermined condition for terminating the braking force distribution control, as recited in claim 12.

Banno discloses terminating the front-rear braking force distribution control if a wheel speed difference has become less than a predetermined value (paragraph [0026]) and determining if the front-rear braking force distribution control should start using a slip state of the rear wheel (paragraph [0032]). However, Banno fails to provide any disclosure with regard to performing an anti-skid control or how the braking force of the front wheels changes during an anti-skid control. In other words, Banno fails to provide any disclosure with regard to 1) decreasing a braking force increment on the front wheel when anti-skid control for either of the wheels is executed, as recited in claim 1, or (2) decreasing a braking force on the front wheels when anti-skid control for either of the wheels is executed, as recited in claim 12.

Banno also only discloses that the front-rear braking force is terminated (paragraph [0026]) and thus fails to provide any disclosure as to how the braking force is affected. Accordingly, Banno also fails to disclose decreasing a braking force on the front wheels when an operational condition monitored by a sensor satisfies a predetermined condition for terminating the braking force distribution control, as recited in claim 12.


Paragraph 5 of the Office Action asserts that the claims recite statements of intended use or field of use. This is not correct because, as discussed above, the claims define how the device is structured. Nowhere in the MPEP, or the cases cited in the Office Action, is it suggested that "executing a" or "is lowered", for example, should be interpreted as being functional. Furthermore, claims 1 and 12 recite how the controllers are structured (i.e., operate). How the controllers operate must be given patentable weight.

It is respectfully requested that the rejection be withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:SMS/sxb

Attachment:
Petition for Extension of Time

Date: February 1, 2007

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